

## **REMARKS**

### **A. Response to Notice of Non-Compliant Amendment**

In response to the Notice of Non-Compliant Amendment Applicants submit the foregoing replacement claim amendment. The claim amendment included herewith is meant to replace the claim amendment filed on February 25, 2008. Applicants submit that the replacement claim amendment is now in compliance with 37 C.F.R. § 1.121.

### **B. Status of the claims**

Claims 70, 101, 132, 134, 163, 165 and 194 have been amended herein. Claims 1-69, 72-73, 79, 84, 103-104, 115, 135, 146, 166, 177, 196-197 and 208 have been canceled, thus claims 70-71, 74-78, 80-83, 85-102, 105-114, 116-134, 136-145, 147-165, 167-176, 178-195, 198-207 and 209-226 are currently pending.

Independent claims 70, 101, 132, 134, 163, 165 and 194 have been amended to incorporate the DNA contamination limitation of claim 1 of the case's parent application which issued as U.S. Patent 6,726,907 and which is set out below:

1. A purified adenovirus composition, the composition having a contaminating nucleic acid content of less than 400 pg per 10<sup>10</sup> pfu virus and greater than or equal to about 60 pg per 10<sup>10</sup> pfu virus.


Support for the indicated range can be found, for example in table 10 of the application which was described in detail in the Declaration of Joseph Senesac dated January 30, 2002 and which was made of record in U.S. Parent Application No. 09/556,570 (now U.S. Patent 6,726,907) to which the current application claims the benefit of priority.

**C. Conclusion**

In view of the replacement claim amendment and the comments provided above, Applicants believe the application is in condition for allowance and such favorable action is requested. The Examiner is invited to contact the undersigned to discuss the case.

Dated: June 13, 2008

Respectfully submitted,

By   
\_\_\_\_\_  
Jeffrey S. Sharp

Registration No.: 31,879  
MARSHALL, GERSTEIN & BORUN LLP  
233 S. Wacker Drive, Suite 6300  
Sears Tower  
Chicago, Illinois 60606-6357  
(312) 474-6300  
Attorney for Applicant